

## **REMARKS**

### **I. INTRODUCTION**

Applicants have cancelled claim 16, amended claims 1, 8, 10-11 and 17-20 and added new claims 21-29. Accordingly, claims 1-3, 6, 8, 10-11, and 17-29 are presently pending in this application. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following arguments.

### **II. AMENDMENTS TO THE CLAIMS**

Applicants have amended claim 1 to recite the additional limitation that the body portion of the inverted knuckle yoke is coupled to the axle beam “at a location inboard of a longitudinal end of said axle beam.” Support for this amendment is found in Figures 1-2. Applicants have amended claims 8, 10-11 and 20 to change the dependency of the claims from cancelled claim 16 to claim 17. Applicants have amended claim 17 to place claim 17 into independent form. Applicants have also amended claim 17, and claims 18-19, to recite the word “mounting” before the word “body” when referencing the spindle assembly to clarify the recitation of the invention. Support for this amendment may be found in paragraph 0016 of the application. Applicants submit that these amendments do not add any new matter.

### **III. NEW CLAIMS 21-29**

Applicants have added new claims 21-29. Claim 21 is substantially the same as claim 1 (prior to amendment herein), but adds the additional limitation of “said kingpin having a longitudinal axis intersecting said longitudinal axis of said axle beam.” Support for this limitation may be found in Figures 1-2 of the application. Claims 22-24 are substantially similar to existing claims. Claims 25, 27 and 29 recite the limitation “wherein said axle beam and said inverted knuckle yoke are formed as a single integrated

forging or fabrication.” Support for this limitation may be found in paragraph 0013 of the application. Claims 26 and 28 recite the limitation “wherein all of said body portion is disposed on said one side of said longitudinal axis of said axle beam.” Support for this amendment may be found in Figures 1-2 of the application. Applicants submit that new claims 21-29 do not add any new matter.

**IV. REJECTION OF CLAIMS 17-19 UNDER 35 U.S.C. § 112**

Claims 17-19 stands rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regard as his invention. In particular, claims 17-19 have been rejected because the Examiner asserts that use of the of term “body” as a portion of the spindle assembly makes the recitation unclear given prior use of “body portion” for the inverted knuckle yoke. Applicants disagree with this conclusion. Nevertheless, Applicants have amended claims 17-19 to recite the adjective “mounting” before “body” when referring to the spindle assembly. Applicants respectfully submit that the consistent limitation of “body portion” and “mounting body” make the recitation clear and that the rejection has been overcome. Accordingly, Applicants request that the rejection be withdrawn.

**V. REJECTION OF CLAIMS 1-2, 6, 10-11, 16 AND 20 UNDER 35 U.S.C. § 102(E)**

Claims 1-2, 6, 10-11, 16 and 20 stand rejected under 35 U.S.C. § 102(e) as anticipated by Hurlburt et al. (U.S. Patent No. 6,267,198). Applicants have cancelled claim 16 and amended claims 1 and 10-11, and 20. Applicants respectfully submit that the rejection of remaining claims 1-2, 6, 1-11 and 20 under 35 U.S.C. § 102(e) is improper and/or has been overcome because Hurlburt et al. does not disclose or suggest

all of the limitations recited in the claims. In re Paulsen, 30 F.3d 1475, 1478-79, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

Independent claim 1, as amended, recites a steer axle assembly including an axle beam and an inverted knuckle yoke having a body portion “coupled to an external surface of said axle beam at a location inboard of a longitudinal end of said axle beam....” Applicants respectfully submit that Hurlburt et al. does not disclose or suggest a steer axle assembly meeting the above recited limitation.

Hurlburt et al. discloses a steer axle assembly for a combine. The steer axle includes a telescoping axle beam 21, 22 and an inverted knuckle 40 mounted on each end of the axle. Figures 2-3. The knuckle 40, however, is bolted to a mounting plate at the longitudinal end of the axle beam. Id. In other words, the knuckle 40 does not include a body portion that is “coupled to an external surface of said axle beam at a location inboard of a longitudinal end of said axle beam” as recited in independent claim 1.

Because Hurlburt et al. does not teach or suggest all of the limitations recited in independent claim 1, Applicant submits that the rejection of claim 1 under 35 U.S.C. § 102(e) is improper and/or has been overcome and requests that the rejection be withdrawn. Further, because each of claims 2 and 6 depend from claim 1, Applicant submits that the rejection of claims 2 and 6 under 35 U.S.C. § 102(e) is also improper and/or has been overcome and requests that the rejection be withdrawn. Finally, each of claims 10-11 and 20 depend from independent claim 17 which had been rejected solely

under 35 U.S.C. § 112. As set forth hereinabove, Applicants submit that this rejection has been overcome and therefore submit that the rejection of claims 10-11 and 20 has also been overcome.

**VI. REJECTION OF CLAIMS 3 AND 8 UNDER 35 U.S.C. § 103(A)**

Claims 3 and 8 stand rejected as being unpatentable under 35 U.S.C. § 103(a)

over Hurlburt et al. (U.S. Patent No. 6,267,198). Applicants respectfully submit that the rejection of claims 3 and 8 under 35 U.S.C. § 103(a) is improper and/or has been overcome because Hurlburt et al. does not disclose or suggest all of the claimed limitations.

“Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case.” MPEP § 2141 (emphasis in original).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

MPEP § 2143. Applicant submits that Hurlburt et al. fails to teach or suggest all of the limitations set forth in the claims.

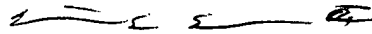
Claims 3 and 8 depend from independent claims 1 and 17, respectively, and therefore incorporate all of the limitations set forth in claims 1 and 17. As set forth hereinabove, independent claims 1 and 17 are believed to be patentable over Hurlburt et al. Accordingly, Applicants submit that the rejection of claims 3 and 8 under 35 U.S.C. §

103(a) is improper and/or has been overcome and Applicants request that the rejection be withdrawn.

## **VII. CONCLUSION**

Applicant respectfully requests entry of the above amendments prior to appeal on this matter. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney.

Respectfully submitted,



William F. Kolakowski III  
Registration No. 41908  
Customer No. 26,127  
DYKEMA GOSSETT PLLC  
39577 Woodward Ave., Ste. 300  
Bloomfield Hills, MI 48304  
(248) 203-0822  
Attorney for Applicant

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ID\WFK